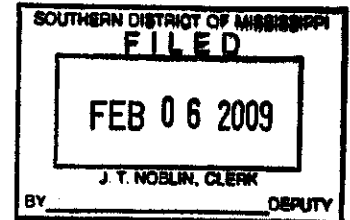


IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION



RICKY L CHARLTON
CONSTRUCTION COMPANY, INC

Plaintiff

VS.

1:09cv152 HSO-Jmr

THE PRIME INSURANCE SYNDICATE, INC

Defendant

COMPLAINT

TRIAL BY JURY

COMES NOW, plaintiff, Ricky L. Charlton Construction Company, pro se, and for cause of action against the defendant, The Prime Insurance Syndicate, Inc, would state:

JURISDICTION

Ricky L Charlton Construction Company, Inc is Incorporated with The Mississippi Secretary of State. A member in Good Standing since 1999. The Prime Insurance Syndicate, Inc issued a General Liability Insurance Policy to Ricky L. Charlton Construction Company, Inc., through one of it's Agents Beacon Insurance of Biloxi, Ms Policy Period 2/18/2005 to 2/18/2006. The incident in question occurred in the State of Mississippi.

FACTS

1. The Prime Insurance Syndicate, Inc issued a General Liability Insurance Policy to Ricky L. Charlton Construction Company, Inc for the policy year 2/18/2005 to 2/18/2006.
2. Ricky L Charlton Construction Company was performing work for Williamsburg Square Apartments, Pascagoula, MS on or about December 29, 2005.
3. A fire occurred in the building on or about 10:00p.m. the same day. Louis Langlanais, owner of Beacon Insurance and issuing agent for the policy in question accompanied Ricky L. Charlton and Lisa Charlton to the scene of the fire the next day stating there was coverage in the event we were at fault for the fire.

4. Chubb Custom Insurance Group, insurer for Williamsburg Square Apartments paid Owners Charles Dunn for the damage sustained in the fire.

5. Chubb Custom Insurance Group, Insurer for Williamsburg Square filed a Complaint in THE CIRCUIT COURT OF JACKSON COUNTY, MISSISSIPPI against Charlton Construction Company July 17, 2008 seeking monetary compensation for \$261,000.00 together with interest, reasonable attorney fees, the cost of their action, and such other relief as the Court deems just and proper.

6. Charlton Construction Company hired Elliot G. Mestayer to respond to the Complaint filed by Chubb Custom Insurance Group.

7. Prime Insurance Syndicate, Inc in it's correspondence to Attorney's for Chubb Custom Insurance on or about August 2008 stated there was now a question of coverage citing a fire exclusion in the policy.

8. As a result of Hurricane Katrina, both Charlton Construction Company and Beacon Insurance lost the Original Policy issued to Charlton Construction Company.

9. In it's correspondence with Beacon Insurance, issuing agent for Prime Insurance Syndicate, Inc, Louis Langlanais continually affirming no fire exclusion in original policy, as it is not customary to write a General Liability Policy for a State Licensed General Contractor with Fire Exclusion.

10. On or about September 2008 The Prime Insurance Syndicate, Inc retained Ricky L. Charlton Construction Company attorney Elliot G. Mestayer as their counsel in this matter.

11. There are several issues that raise serious doubts as to the exact cause of the fire. These issues have never been raised by Prime Insurance Syndicate, Inc in the defense Ricky L. Charlton Construction Company, Inc

12. On or about October 9, 2008 The Prime Insurance Syndicate, Inc filed a Complaint for Declaratory Relief in this matter with Ricky L. Charlton Construction Company, Inc IN THE THIRD JUDICIAL COURT OF SALT LAKE COUNTY, STATE OF UTAH. SEE EXHIBIT 1

13. On or about November 2008, Ricky L. Charlton Construction Company consulted with its original attorney, Elliot G. Mestayer regarding the Complaint for Declaratory Relief by The Prime Insurance Syndicate, Inc, at which time Elliot G. Mestayer stated he had no knowledge of any intent on their part to file for such relief, and being retained by them as counsel could not advise us in this matter.

14. On or about November 23, 2008 Ricky L. Charlton Construction Company filed a written response to the Third District Court for Salt Lake County, to The Complaint for Declaratory Relief asking for reasonable time of 30 days to seek new legal counsel. SEE EXHIBIT 2.

15. On or about December 1, 2008 Charlton Construction Company received a MINUTE ENTRY from Judge Kate A. Toomey advising proper form. SEE EXHIBIT 3.

16. On or about January 2, 2009 Ricky L. Charlton Construction Company made inquiring phone calls concerning legal representation in the State of Utah, discovering the financial burden was too great to defend ourselves in this matter.

17. On or about January 8, 2009 Ricky L. Charlton Construction Company, Inc filed a written request with THE THIRD DISTRICT COURT FOR SALT LAKE COUNTY requesting a change of jurisdiction in this matter. SEE EXHIBIT 4

18. On or about January 20, 2009 Ricky L. Charlton Construction Company, Inc received an OBJECTION TO NON-CONFORMING PAPER filed with THE THIRD DISTRICT COURT OF SALT LAKE COUNTY, STATE OF UTAH, by The Prime Insurance Syndicate, Inc. SEE EXHIBIT 5.

19. On or about January 26, 2009 Ricky L. Charlton Construction Company, Inc received a DEFAULT CERTIFICATE filed with THE THIRD DISTRICT COURT FOR SALT LAKE COUNTY, STATE OF UTAH, by The Prime Insurance Syndicate, Inc. SEE EXHIBIT 6.

RELIEF

The Plaintiff is seeking first of all fair and just Due Process according to the Constitution of the United States of America allowing for such, which was denied to us in the Complaint for Declaratory Relief filed by the Prime Insurance Syndicate, Inc, in The Third District Court of Salt Lake County, State of Utah.

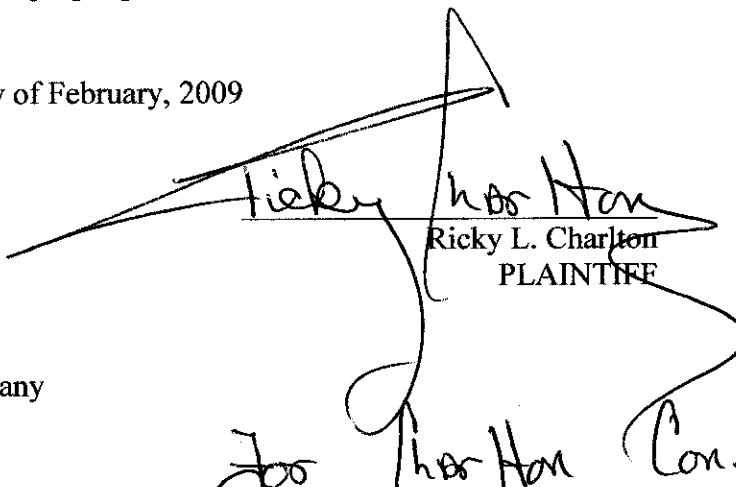
Ricky L. Charlton Construction Company respectfully requested a change of Jurisdiction in this matter to the attorney's for the Prime Insurance Syndicate, Inc citing financial burden improperly placed to defend ourselves in the State of Utah. This was denied by The Prime Insurance Syndicate, Inc, and The State of Utah on Improper Form technicalities, as Charlton Construction Company could not afford proper legal representation outside the State of Mississippi.

The Plaintiff is seeking penal action against Prime Insurance Syndicate, Inc in its improper practice of creating a Conflict of Interest by retaining Ricky L. Charlton Construction Company's attorney to represent them in this matter, and filing suit for Declaratory Relief against Ricky L. Charlton Construction Company. This is a violation of our Constitutional Rights as citizens of The United States of America.

The Plaintiff is seeking trial by jury to fairly present our issues concerning the facts and events surrounding the fire, we feel we have not received proper defense from Prime Insurance Syndicate, Inc in this matter and to discover what we believe is a fraudulent production of a Fire Exclusion in the Original Insurance Policy.

The Plaintiff is seeking monetary damages in the amount of \$5million Dollars against Prime Insurance Syndicate, Inc for its improper practices in this matter.

Respectfully submitted, this the 06 day of February, 2009


Ricky L. Charlton
PLAINTIFF

Ricky L. Charlton for
Ricky L. Charlton Construction Company
604 Ingalls Ave
Pascagoula, MS 39567
228-696-0208

*For Charlton Construction
Company, Inc.*